

**MINUTES OF REGULAR MEETING
OF
GREENSBORO PLANNING BOARD
OCTOBER 20, 2004**

The Greensboro Planning Board met in regular session on Wednesday, September 15, 2004 at 2:01 p.m., in the City Council Chambers, 2nd floor, Melvin Municipal Office Building. Board members present were Acting Chair Tim Bryson, J.P. McIntyre, John Rhodes, Julius Koonce and Michael Fox. Staff members present were Bill Ruska, Alec MacIntosh, Steve Galanti, Art Davis and Ricky Hurley of the Planning Department and Blair Carr, Esq., of the City Attorney's Office.

Acting Chair Bryson called the meeting into session.

APPROVAL OF MINUTES OF THE SEPTEMBER 15, 2004 REGULAR MEETING.

Mr. McIntyre moved approval of the minutes of the September 15, 2004 regular meeting as submitted, seconded by Mr. Rhodes. The Board voted 5-0 in favor of the motion. (Ayes: Bryson, McIntyre, Rhodes, Koonce, Fox. Nays: None.)

PUBLIC HEARINGS:

A. ORDINANCE AMENDING SECTION 30-5-2.64, PRIVATE DORMITORIES, OF THE DEVELOPMENT ORDINANCE TO ADD DEVELOPMENT STANDARDS (CONTINUED FROM AUGUST MEETING). (NO RECOMMENDATION)

Mr. Ruska stated that this item was continued primarily for staff to obtain some information from University Square. Mr. Hails has not received any response to date from his letter requesting information. Because of time limits, staff is taking this amendment forward and sending it on to City Council. The proposed amendment would allow up to a quarter of the units to be occupied by students attending institutions not within the half-mile radius. He said staff recommends that subsection (e) on parking be stricken from the proposed amendment, with subsection (f) becoming (e).

Mr. Rhodes said, not having received any response from University Square, he had the same concerns as those voiced when the matter was before the Board in August.

In response to a question from Mr. Fox, Mr. Ruska said if the City applied the multifamily parking requirement for students from other schools, it would require approximately 240 spaces, and they only had 218 spaces on site. Staff suggests that the different parking requirement be removed, because a student is a student.

No one came forward to speak on this item and the public hearing was closed.

Mr. Rhodes said his recommendation would be that they share with City Council that the Board disapproves this.

In response to a question from Mr. Koonce, Mr. Rhodes said his concerns resulted from the fact that all of this occurred because it was discovered that students from A&T State University were residents of this facility. It seemed to him more logical that A&T students be allowed than it was to allow students of GTCC. Speaking from personal knowledge, he noted that the campuses of GTCC attended by the great majority of its student are not within a half-mile radius. If this kind of restriction was being imposed simply because of A&T State University, he was strongly against it.

Mr. Ruska said there were two reasons for the half-mile standard. One was to try to keep the private dormitories within walking distance of the schools they served so as to make it convenient for students and try to eliminate some vehicular trips. The other was to keep private dormitories from being located out in the hinterlands, divorced from the campuses they were supposed to be serving.

In response to a question from Mr. Fox, Mr. Rhodes said his concern had to do with amending an ordinance on behalf of a facility that was in violation.

Mr. Fox said he understood and appreciated Mr. Rhodes' concerns. The enforcement of the ordinance was a matter that City staff had to decide upon. From his perspective, it did make sense to amend this ordinance. He said making this amendment was a reflection of reality and the market. He felt with the elimination of the parking provision, this amendment was a common sense approach. He would support it, understanding Mr. Rhodes' and Mr. Hall's concerns were very legitimate as to how the current property owner was being dealt with.

Mr. Koonce said he thought the Board would be making a terrible mistake and sending out a message to other businesses that you could violate a City ordinance, but if you ask for an amendment you can get it and continue to violate the City ordinance in the meantime. He asked if anyone could verify that the complaint was based on the fact that students from NC A&T State University were staying in this particular private dorm.

Mr. Ruska said staff did not know from whom the complaint came. It came both as an e-mail and as a telephone call, both anonymous.

Mr. McIntyre asked Mr. Ruska if this amendment would allow this facility to be more inclusive by requiring the facility to allow students from other campuses to reside there.

Mr. Ruska said it allowed them that opportunity for up to a quarter of the units.

Acting Chair Bryson asked, since the subject property seemed to be in violation, were there any repercussions for this particular property currently from its not meeting the requirement?

Mr. Ruska said staff was currently holding any enforcement action in abeyance until they saw what the final outcome of this proposed amendment was. Once the final outcome was determined, staff would take whatever appropriate action was needed.

Mr. Rhodes moved, since Counsel had advised them of the 60-day time frame, that the Board send this to City Council with a recommendation against this amendment. The motion died for lack of a second.

Mr. Fox moved that the Board recommend the ordinance as reworded by staff today re parking. Mr. McIntyre seconded the motion. The Board voted 2-3, thereby denying the motion. (Ayes: Bryson, Fox. Nays: Koonce, McIntyre, Rhodes.)

B. RESOLUTION CLOSING AN UNNAMED 14-FOOT ALLEY, RUNNING FROM THE SOUTHERN RIGHT-OF-WAY LINE OF GUILFORD AVENUE, JUST EAST OF ITS INTERSECTION WITH HILL SIDE DRIVE, SOUTHWARD TO ITS END, A DISTANCE OF APPROXIMATELY 178 FEET. (RECOMMENDED)

Alec MacIntosh of the Planning Department said this alley had appeared on tax maps for many years. On the ground, however, the existence of an alley was not apparent. In fact, there were parking spaces and a handicapped ramp in it. Lisa M. and John A. Saari, owners of 100% of the abutting property, signed the closing petition. There was an 8-inch water line running down part of the alley, evidently serving only this one property. The Water Resources Department saw no need for the City to retain any public easement over this line when the alley was closed. The Technical Review Committee (TRC) felt that this alley was serving no purpose and therefore recommended its closing. The Saaris were present to answer any questions the Board might have.

There being no speakers for this item, the public hearing was closed.

Mr. McIntyre moved to recommend the alley closing to City Council, seconded by Mr. Rhodes. The Board voted 5-0 in favor of the motion. (Ayes: Bryson, McIntyre, Rhodes, Koonce, Fox. Nays: None.)

MINOR MODIFICATION OF ZONING CONDITION - BALLINGER MANOR - FOR ROUNDTABLE, LLP - 5911 BALLINGER ROAD - REQUEST TO DISTURB THE PROPERTY ALONG THE SOUTHERN BOUNDARY OF THE SITE. (APPROVED)

Steve Galanti of the Planning Department said this 1.37-acre site is located on the south side of Ballinger Road approximately 500 feet west of New Garden Road and was zoned Conditional District - Residential Multifamily - 12 (CD-RM-12). The proposed development scheme contained eight single family attached dwellings (townhomes). The zoning condition stated the following: "Within the required buffer yard between the subject property and adjoining residences, existing undisturbed vegetation, supplemented with additional vegetation, shall be maintained so as to obscure the view of the future townhomes on the subject property from view as measured from adjoining residences." In order to correct a drainage problem in this area the developer (in cooperation with the City) had agreed to install a storm sewer pipe from the southeast corner of this site to Founders Drive. The installation of the storm sewer pipe near the southern boundary of the site would require the removal of the existing vegetation, which was the subject of this requested modification.

Mr. Galanti then described the three possible grounds provided in the Development Ordinance for approving a modification.

After reviewing the request on October 19, 2004 the TRC recommended approval of the modification with the condition that the applicant revise the proposed landscape plan by providing evergreen understory trees and evergreen shrubs within the required planting yard along the

southern boundary of the site. This recommendation (with the condition) was made based on the finding of "Equal or Better Performance." The TRC had found that the proposed landscaping along the southern boundary of the site would provide a buffer to screen the townhomes from the abutting single family dwellings to the south, which would meet the intent of the zoning condition.

Mr. Fox moved approval of the minor modification, seconded by Mr. Koonce. The Board voted 5-0 in favor of the motion. (Ayes: Bryson, McIntyre, Rhodes, Koonce, Fox. Nays: None.)

ANNEXATION PETITION ON PROPERTY OF PETER A. AND LESLIE H. LANE AT 103 WARD ROAD - 7.35-ACRE CONTIGUOUS ANNEXATION. (RECOMMENDED)

Mr. MacIntosh said this annexation petition covered property bordering the city limits at its northwest corner, at the center of the railroad track. The proposal was to develop the property with an industrial building. There is a 30-inch City water line in Ward Road. There is an 8-inch City sewer line in Burlington Road about 360 feet to the north, to which the proposed building would be connected via a private force main. All other City services could be provided in a manner similar to that for the nearby properties already inside the city limits. This property is in Tier 1, the Current Growth Area (0-10 years) on the Growth Strategy Map of the Comprehensive Plan. The TRC recommended the annexation.

Mr. Rhodes moved to recommend the annexation petition to City Council, seconded by Mr. Fox. The Board voted 5-0 in favor of the motion. (Ayes: Bryson, McIntyre, Rhodes, Koonce, Fox. Nays: None.)

EASEMENT RELEASE:

A. RESOLUTION AUTHORIZING RELEASE OF A TRIANGULAR PORTION WITH SIDES OF 18 FEET, 24 FEET, AND 30 FEET OF A DRAINAGE MAINTENANCE AND UTILITY EASEMENT IN THE REAR OF THE PROPERTY AT 4320 DOVERSTONE LANE. (APPROVED)

Mr. MacIntosh said all the relevant private utility companies and City departments were in agreement with the release.

Mr. McIntyre moved approval of the easement release, seconded by Mr. Rhodes. The Board voted 5-0 in favor of the motion. (Ayes: Bryson, McIntyre, Rhodes, Koonce, Fox. Nays: None.)

ITEMS FROM THE DEPARTMENT:

A. JOINT MEETING WITH ZONING COMMISSION ON MONDAY, NOVEMBER 8.

Mr. MacIntosh reminded the Board of this would first joint meeting with the Zoning Commission to consider paired items: (1) a Comprehensive Plan amendment, and (2) a rezoning request dealing with the same property. The joint meeting would be held at the Zoning Commission's regular meeting time, November 8 at 2:00 p.m.

B. COMPREHENSIVE PLAN AMENDMENTS TENTATIVELY SCHEDULED FOR NOVEMBER 17 REGULAR MEETING.

Mr. MacIntosh said that tentatively scheduled for the Board's meeting on November 17 would be some Comprehensive Plan amendments brought to the Board by staff.

C. CONTINUING DISCUSSION CONCERNING TIME LIMITS ON SPEAKERS (JOINT MEETINGS AND/OR REGULAR MEETINGS).

The Board deferred this matter until a later date when Mr. Hall and Chair Downs would be present.

D. CAPITAL IMPROVEMENTS PROGRAM INFORMATION ITEMS.

Art Davis thanked the Board for their continuing cooperation in the City's Capital Improvements Program. He distributed copies of the 2002-2010 CIP to Board members. He directed the Board's attention to the Supplemental Information section which included the following: (1) Neighborhood Small Projects Program (9 proposals) and (2) Planning Board CIP Resolution May, 2004 and the City Council CIP Resolution June, 2004. He called the Board's attention to the 9 proposals from the Neighborhood Small Projects Program. Six projects were approved and are now being implemented.

The tentative schedule for the 2005-06 CIP process was also distributed to the Board. Tentative dates include:

November 17, 2004	Planning Board sends out information to neighborhood groups
January 10, 2005	Deadline for project submittals
March 11, 2005	Review of submitted projects completed
April 20, 2005	CIP Presentation to Planning Board

In addition, staff will organize two workshops to provide interested citizens and neighborhoods with details regarding the Program. Selected citizens from the City will be asked to serve on the review team.

Mr. Koonce said he appreciated the assistance of staff in helping citizens of Greensboro to understand the importance of the Capital Improvements Program. He indicated that the participation and funds distributed were well worth the time staff took to provide instruction in completing the application.

Mr. Davis added that Patrick Downs, President of the Neighborhood Congress and Chair of the Planning Board, successfully requested of the City Council additional funds for this year's program.

ITEMS FROM THE CHAIRMAN:

None.

Mr. Koonce said on November 8th he would be out of town and wanted to make that known before the joint meeting.

SPEAKERS FROM THE FLOOR ON ITEMS UNDER PLANNING BOARD AUTHORITY:

None.

APPROVAL OF ABSENCES:

The absences of Patrick Downs, Dick Hall, Stephen Marks and Alan Pike were approved.

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There being no further business before the Board, the meeting was adjourned at 3:07 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/ts.ps